

Appl. No. : 10/805,850
Filed : March 22, 2004

REMARKS

The August 3, 2005 Office Action is based upon pending Claims 1-47. This Amendment amends Claims 1, 17, and 23. After this amendment, Claims 1-47 remain pending.

Claim Objections

In the August 3, 2005 Office Action, Claims 17, 23-24, and 27-28 are objected to because of the following informalities.

The Office Action States that Claim 17 is incomplete as lacking the structural and logical relationship between “adhesive” and the rest of the elements recited in the base claim. Accordingly, Claim 17 has been amended to recite that the adhesive is formed on the sheet and is for adhering the sheet to a surface.

The Office Action also states that “background” recited in Claim 23 is confusing and indefinite since it is not clear what is considered to be the “background” Accordingly, the term “background” has been removed from Claim 23 as amended. Additionally, reference to a “*first* plurality of optical elements” and a “*second* plurality of optical elements” is provided for clarity.

The Office Action additionally states that Claims 27-28 are confusing and indefinite and that it is not clear what is considered to be the “first and second sets of rings.” To clarify, Claims 27-28 have been amended to recite “ring-shaped optical surfaces.” Optical surface in the form of rings are discussed with reference, for example, to Figures 5 and 6. In paragraph [0038] (lines 4-10), for instance, Fresnel lens optical elements are described as comprising a plurality of rings having curved or inclined/declined refractive surfaces. Similarly, paragraph [0041] (lines 4-5) describes rings comprising refractive or reflective features. Paragraph [0047] (lines 2-10) describes rings as comprising phase features such as refractive index modulations or surface relief features. The Office Action also states that it is not clear how sets of rings are capable of providing focal length and different focal lengths. Rings providing different (positive and negative) focal lengths are shown in Figure 5. Discussion is provided in paragraphs [0036] to [0038]. See also paragraphs [0040] to [0047] that discuss Figure 6.

Withdraw of the objection to Claims 17, 23-24, and 27-28 is respectfully requested.

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Rejections Based on Waitts

Claims 1, 3-4, 6, 9-14, and 16-26 are rejected under 35 U.S.C. §102(b) as being anticipated by the patent issued to Waitts (U.S. Patent 5,956,164). Claims 5, 7-8, 15, and 27-28 are also rejected under 35 U.S.C. §103(a) as being unpatentable over the patent issued to Waitts.

Waitts, however, fails to disclose each of the limitations recited in Claims 1, 3-4, 6, 9-14, and 16-26. For example, Waitts fails to disclose a plurality of optical elements wherein each of the elements have *optical power*. Nowhere does Waitts teach that the holograms disclosed therein have optical power.

Accordingly, Claims 1, 3-4, 6, 9-14, and 16-26 are not anticipated by Waitts. Similarly, Claims 5, 7-8, 15, and 27-28 are not unpatentable over Waitts as the invention recited in Claims 5, 7-8, 15, and 27-28, as amended, would not be obvious to one skilled in the art having knowledge of Waitts. Applicants therefore respectfully request that the rejections of Claims 1 and 3-28 based on Waitts be withdrawn.

Rejections Based on Keberlein

Claims 1-2, 5-14, and 16-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over the patent issued to Keberlein (U.S. Patent 6,800,357).

Keberlein, however, fails to disclose each of the limitations recited in Claims 1-2, 5-14, and 16-22. For example, Keberlein does not show that at least some of the focal lengths are substantially different from other focal lengths. Keberlein teaches “cutting portions of a circular Fresnel lens into star-shaped components and assembling the components into the star-shaped die.” (See column 1, lines 47-50). Keberlein, however, nowhere teaches that some of the focal *lengths* are different from other focal *lengths*.

The Office Action states that although this reference does not teach explicitly that the focal length for these pieces of multiple Fresnel lenses are different such feature is either inherently met by the disclosure or is an obvious modification to one skilled in the art for the benefit of enhancing the three dimensional illusion of the image produced by the pieces having these Fresnel lenses. This feature, however, is not inherent from the Keberlien. At least some of the focal lengths being substantially different from other focal lengths does not necessarily result from the teachings of Keberlien. Additionally, it is not an obvious modification to one skilled in

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the art for the benefit of enhancing the three dimensional illusion that some of the focal lengths are different from other focal lengths. For example, it is not clear that changing the focal length of different portions of the star would "enhance" the three dimensional illusion and would not instead detract from the appearance of the star. Keberlien states that the arrangement of grooves seen in Figure 2 ensures that the viewer is impressed with an illusion of a three-dimensional star on the flat surface. It is not clear that changing the focal length of different portions of the star shown by Keberlien would not otherwise interfere with or diminish the three dimensional illusion taught by Keberlien. Moreover, varying the focal length of different portions of the star might also introduce a distorting, disorienting, or irregular effect.

The Office Action also states that it would have been obvious to one skilled in the art to modify the Fresnel lenses of Keberlein to make some of the lenses with negative focal length for the benefit of adding different decorative and aesthetic appearance for the product. As described above, however, it is not clear that negative focal lengths would not interfere with or detract from the illusion taught by Keberlien. Also positive and negative focal lengths might introduce a distorting, disorienting, or irregular effect. Thus, it would not have been obvious to one skilled in the art to modify the Fresnel lenses of Keberlein to make some lenses with negative focal length.

Accordingly, Claims 1-2, 5-14, and 16-22 are not unpatentable over Keberlein. Applicants therefore respectfully request that the rejections of Claims 1-2, 5-14, and 16-22 based on Keberlein be withdrawn.

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections and objections is specifically requested.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Mark J. Gallagher

Registration No. 43,622

Attorney of Record

Customer No. 20,995